

#558
1 BILL NO. Z-94-02-03

2 ZONING MAP ORDINANCE NO. Z- 01-94

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. M-2

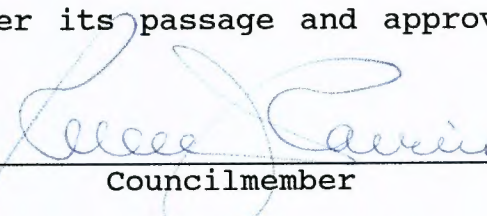
5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
6 WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby
8 designated an B-1-B (Limited Business) District under the
9 terms of Chapter 157 of the Code of the City of Fort Wayne,
10 Indiana of 1974:

11 Lot #27 in Spencer's Addition, an Addition to the City of
12 Fort Wayne, Indiana, as recorded in Deed Book "X", page
13 210 in the Office of the Recorder of Allen County;
14 together with Lot #18 in Brackenridge's Addition, an
15 Addition to the City of Fort Wayne, Indiana as recorded
16 in Deed Book 28, page 93, in the Office of the Recorder
17 of Allen County; together with the 10 foot wide east-west
18 alley lying between the above described lots from Webster
19 Street to McClellan Street in the City of Fort Wayne.

20 and the symbols of the City of Fort Wayne Zoning Map No. M-2,
21 as established by §157.016 of the Code of Ordinances of the
22 City of Fort Wayne, Indiana are hereby changed accordingly.

23 SECTION 2. That this Ordinance shall be in full force
24 and effect from and after its passage and approval by the
25 Mayor.

26 
Councilmember

27 APPROVED AS TO FORM AND LEGALITY:

28 
29 J. TIMOTHY MCCAULAY, CITY ATTORNEY
30
31
32

Read the first time in full and on motion by Raine,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, 19____, the _____ day of _____
_____, M., E.S.T.

DATED: 2-8-94 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Raine,
and duly adopted, placed on its passage. PASSED 8:00
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 3-8-94 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-01-94
on the 8th day of March, 1994

ATTEST: (SEAL)
Sandra E. Kennedy Don J. Schmitter
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 9th day of March, 1994,
at the hour of 11:30 o'clock PM, M., E.S.T.
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10th day of March,
1994, at the hour of 8:00 o'clock PM, M., E.S.T.
Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 14913

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.

19

RECEIVED FROM

RESIDENT COMMUNITIVE

\$

350.00

THE SUM OF

Three hundred and fifty and 00/100

100

DOLLARS

ON ACCOUNT OF

Wm. J. ...

PAID BY: CASH

☐

CHECK

☒

M.O.

☐

AUTHORIZED SIGNATURE

[Signature]

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Lincoln National Life Insurance Company
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R3 District to a/an B1B District the property described as follows:

Lot 27 in Spencer's Addition, an Addition to the City of Fort Wayne, Indiana as recorded in Deed Book "X", page 210 in the Office of the Recorder of Allen County; together with Lot 18 in Brackenridges Addition, an Addition to the City of Fort Wayne, Indiana as recorded in Deed Book 28, page 93, in the Office of the Recorder of Allen County; together with the 10 foot wide east-west alley lying between the above described lots from Webster Street to McClellan Street in the City of Fort Wayne.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

300 Blk W Lewis St.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Lincoln National Life

Insurance Company

1300 S. Clinton Street

John Campbell

Fort Wayne, IN 46802

AVP-DIR. Facilities

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission.

Name and address of the preparer, attorney or agent.

Design Collaborative, Inv.

Ronald K. Dick, AIA

108 W. Columbia St. Ft. Wayne.

(219) 422-4241

(Name)

(Address & Zip Code) IN 46802

(Telephone Number)

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Lot 27 in Spencer's Addition an Addition to the City of Fort Wayne, Indiana as recorded in
Deed Book "X", page 210 in the Office of the Recorder of Allen County; together with
Lot 18 in Brackenridges addition, an addition to the City of Fort Wayne, Indiana as recorded
in Deed Book 28, page 93, in the Office of the Recorder of Allen County; together with the
10 foot wide east-west alley lying between the above described lots from Webster Street to
McClellan Street in the City of Fort Wayne.

Owners of Property

Lincoln National Life	1300 South Clinton Street	John Campbell
Insurance Company	Fort Wayne, IN 46802	AVP-DIR. Facilities
		<i>John Campbell</i>
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 8, 1994 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-94-02-03; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 21, 1994.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 28, 1994.

Certified and signed this
1st day of March 1994.



Carol Kettler Sharp
Secretary

#558

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 300 Block of West Lewis Street

2-94-02-03

EFFECT OF PASSAGE Property is currently zoned R-3 - Multi-

Family Residential. Property would be zoned B-1-B - Limited

Business District.

EFFECT OF NON-PASSAGE Property would remained zoned R-3 -

Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

FACT SHEET

Z-94-02-03

**Division of Community
Development & Planning**

BILL NUMBER

BRIEF TITLE**APPROVAL DEADLINE****REASON**

Zoning Map Amendment

From R-3 to B-1-B

DETAILS**Specific Location and/or Address**

300 Blk of West Lewis Street

Reason for Project

Reuse of the site as a day care facility.

Discussion (Including relationship to other Council actions)
21 February 1994 - Public Hearing

Ron Dick, architect with Design Collaborative, appeared before the Commission. Mr. Dick stated that he was representing Lincoln National Life Insurance Corporation. He stated that Lincoln National intends to use the property, if rezoned, for a day care facility. He stated that they want the rezoning of these properties because they intend to use the entire block between Lewis, McClellan, Webster and Douglas Streets for the day care facility. He stated that the preliminary design shows the parking will be to the north of the property, roughly 37 parking spaces and then to the south they will build the day care facility.

Mark GiaQuinta questioned if this facility was being built for use by Lincoln.

Mr. Dick stated it was.

Mr. Dick stated that they have started to have conversations with the Landscape division of C&ED. He stated that their

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**Applicant(s)
Lincoln National Life
Insurance Company
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

concept is to buffer on the north and the east the parking lot and to create some street trees.

Mel Smith questioned if the Commission would have a chance to see a rendering of the proposed site before construction. He questioned if it would come back to the Commission.

Wayne O'Brien, Planner II, with C&ED stated that once it is rezoned it would go through the commercial routing system and it would not come back to the Commission. Mr. O'Brien stated that the petitioner was showing a rendering to the Commission for information purposes only.

Carol Kettler Sharp questioned if the landscaping of the area was simply an option.

Mr. O'Brien stated that it is not, because it will be a B-1-B zoning and in that zone where they put in parking they will have a landscaping requirement that will be 10% of the parking area, putting in 1% as trees.

There was no one else who spoke in favor of or in opposition to the proposed rezoning.

28 February 1994 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote. Motion carried.

Project Start Date 19 January 1994

Projected Completion or Occupancy Date 1 March 1994

Fact Sheet Prepared by Patricia Biancaniello Date 1 March 1994

Reviewed by  Date 2 March 1994

Reference or Case Number

BILL NO. Z-94-02-03

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - MARK E. GIAQUINTA - CO-CHAIR
DONALD J. SCHMIDT
JANET G. BRADURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort
Wayne Zoning Map No.

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Mark E. Giaquinta
Donald J. Schmidt

Janet G. Bradbury

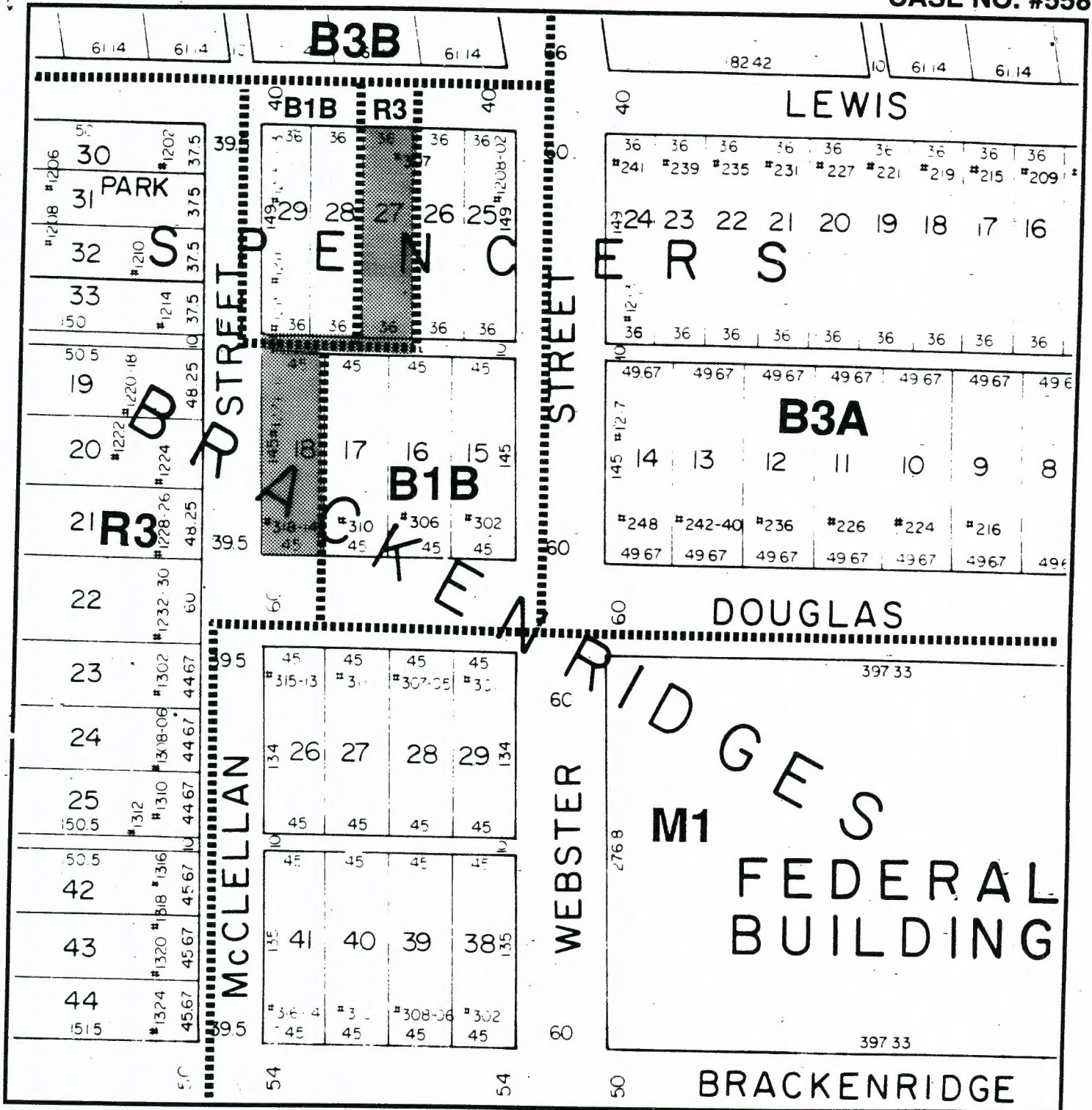
DATED: 2-8-94

Sandra E. Kennedy
City Clerk

REZONING PETITION

AREA MAP

CASE NO. #558



COUNCILMANIC DISTRICT NO. 1

Map No. M-2
LW 1-24-94

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		